IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIFTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

-

WRIT PETITION NO : 10368 of 2004

Between:

Dr. Bandi Shyam Prasad, S/o Bulli Raju, Hindu
President, Peoples Education Society, Pithapuram.

..... PETITIONER

AND

1 The Government of A.P., rep. by Principal Secretary,
Higher Education (CE.II.1), Department, Hyderabad.
2 The Secretary, Director of Collegiate Education,
Andhra Pradesh, Hyderabad.
3 Md. Chand Basha, s/o Md. Malim Basha, Muslim,
R/o 5-8-4, Suryaraopeta, Kakinada.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate order or direction more particularly one in nature of Writ of Mandamus declaring that the inaction of the second respondent in not conducting enquiry pursuant to the proceedings in Lr.No. 173/CE.II.1/2004-1, dated 30-1-2004 is illegal, arbitrary and without jurisdiction.

Counsel for the Petitioner : MR.VIJAY ASHRIT

Counsel for the Respondents 1 & 2 : GP FOR HIGHER EDUCATION

Counsel for the Respondent No.3 : None appeared.

The Court at the admission stage made the following :

ORDER:

The petitioner seeks to declare the inaction of the second respondent in conducting enquiry pursuant to the proceedings in Lr.No.173/CE.II.1/2004-1, dated 30-01-2004 as illegal, arbitrary.

2. The grievance of the petitioner, who is President of Suryaraya Degree College and Peoples Education Society, is that at the behest of third respondent, first respondent issued G.O.Ms.No.1015 Higher Education (CE.II.1) Department, dated 04-12-2003, according permission for shifting the said college from the premises bearing No.4-2-29 to D.No.13-1-113 of Pithapuram. The third respondent was neither the Secretary nor the Correspondent and the same fact was evident from the resolution passed by the Society on 21.09.2003 and it was also ratified by the District Registrar, Kakinada by proceedings dated 10.01.2004. The petitioner made a representation dated 06-01-2004 to the first respondent about the misrepresentation made by the third respondent, upon which the second respondent, by proceedings dated 30-01-2004, was directed to conduct an enquiry.

3. The further grievance of the petitioner is that even after lapse of a period of three months, the second respondent is not taking any steps for conducting the enquiry and the plans are afoot to shift the college and the third respondent in collusion with the second respondent would succeed if the second respondent is not directed to

conduct the enquiry immediately.

4. Heard the learned counsel for the petitioner and the learned Government Pleader for Higher Education.

5. The learned Government Pleader for Higher Education on instructions represented that a direction was given for conducting a proper enquiry and for submitting a report and already steps were initiated yesterday for conducting the enquiry.

6. Under the above circumstances, as the enquiry was already initiated, there survives nothing in this Writ Petition for passing any orders.

7. Accordingly, the Writ Petition is dismissed at the admission stage. No costs.

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N.V.RAMANA, J.

15th July, 2004.

gs/asp

To

1 The Principal Secretary, Government of A.P.,
Higher Education (CE.II.1), Department, Hyderabad.
2 The Secretary, Director of Collegiate Education,
Andhra Pradesh, Hyderabad.

3. 2CCs to G.P. for Higher Education, High Court of A.P. Hyderabad

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